

THE 2018 Local Government election drew unprecedented focus, being an election that could gauge the opinion of the people, and as a result it turned out to be a referendum on the National Government.

One could argue that National Government had attained many positive things during the last three years and no ordinary person could understand the achievements of the National Government unless one sits back and ponder for a moment the sequel of events from 9 January 2015 to 10 February this year. The analysis of the good work of the National Government must start with the restoring judicial independence which was the last resort over authoritarian tendencies under the executive presidential system.

#### The clash

Long before the election, there have been media reports and suggestions that President Sirisena should run for the second term. The President seemed to have an intention which could be judged when he appointed the Commission of inquiry into the bond scam only for the period within which the Prime Minister was in charge of the Central Bank.

Some of the election rhetoric too was aimed at attacking UNP Leader and the policies of UNP. Then came the official confirmation that he was interested in running for the second term when he referred the matter to the Supreme Court.

The Local Government election was a hotbed of dilemmas for the President, Prime Minister, Ministers and MPs who may have harboured staying the full term of five years to claim pensions. The President wanted to ensure that his SLFP stood by him throughout the campaign and he might have wanted to show them that he had a long-term ambition to run for the second term.

Even though he might not have cherished such an idea to run for the second term but he should appear to be so with the purpose of retaining his SLFP ministers around him until the election was over. This was a terrible dilemma for the President. If he had remained passive without any political ambitions his Ministers would have jumped overboard long time back.

His election rhetoric that he would leave the office of President, only after the robbers had been sent to the Avicci hell – avichchi maha narakadiya meant to consolidate his position. These pronouncements were meant to boost his ego and ratings as a leader with a clear conscience, purpose, ambition and with high moral turpitude.

The UNP had a dilemma that the very President, whom they strove to elect under worst of circumstances, was now gunning for UNP Leader and it was very detrimental to the UNP campaign. Some of the private electronic media channels were churning out reports calculated to demonise the Prime Minister.

The President even made a veiled threat to appoint a Commission of Inquiry into the affairs of SriLankan Airlines and Mihin Air – this commission has since been appointed. This too was also meant to attack the UNP Leader. There is a possibility that this report would be made available before the next Provincial Council elections.

The attacks on the Prime Minister was simply spitting in the air as one might argue that President could not have remained passive for last three years and it showed he had been indecisive. The whole election was fraught with multitude of dilemmas for both SLFP and UNP.

The President could not have succumbed to the pressure from the SLFP to work under a different prime minister. He might even have pondered whether UNP ministers, in the absence of the Prime Minister, would desert him being exposed to a vul-

nerable situation calling for an early resignation or calling for a snap election thus working under SL Podujana Party Prime Minister.

The President had been left with very little options but to work with the Prime Minister Ranil Wickremesinghe and ensure the mandate given to him in 2015 was attained to the full measure. Besides he might have been concerned about leaving the country for foreign visits without a trusted Prime Minister.

The Prime Minister Wickremesinghe had a dilemma that some of the attacks aimed at him by the President could not be countered because it was not the intention of the UNP to demonise the sitting Head of State under whom they work. If they were to do it would simply be spitting in the air. In fact the Prime Minister had even admonished the UNP rank and file not to criticise

the President as they are part of a National Government.

#### Aftermath and the worst of dilemmas

The election results caught the President and the Prime Minister totally unawares, that it was virtually an earth slipped under their very feet. The President was overconfident that he would get more votes than the UNP.

The UNP was of the opinion that they could get the votes which reflect the Parliamentary election held in 2015. But neither aspiration proved right. It was a reversal of all the good deeds they have done since 9 January 2015.

People had long forgotten the circumstances which caused them to send the Rajapaksa administration home. People had conveniently forgotten the fear of the white van and the some of the extra judicial killings and attacks on media. The election results showed the poor performance of the President and the Prime Minister but it was not meant to change the composition of the Government but a resounding nudge for a serious course correction before the next presidential election.

A serious blow indeed for the exuberance of what the National Government attained so far. The path must be continued unabated. There is no room for complacency. Scapegoating the election debacle would only exacerbate the crisis within the Government. Not only within the Government but would seriously hurt the economy as well. It would also be for the advantage of the SLPP.

When there is internal turmoil it would be for the benefit of the opponents – ref: ‘The Art of War’ by Sun Tzu. The President had been elected by the majority of UNP votes, and the President was on the horns of a dilemma as to how he could face the electorate by appointing a non-UNP prime minister besides being bound by the limitations on the power of President under the provisions of the 19th Amendment.

The President could not even seek the advice of the Supreme Court as that would

## Guest Column



By **Srinath Fernando**



President Maithripala Sirisena



Prime Minister Ranil Wickremesinghe

send a signal that he is dead serious about removing the Prime Minister. That would seriously damage the spirit of cohabitation. It is tantamount to a husband inserting a marriage proposal in a newspaper for a new wife while being her legal husband and sharing the marriage bed. He may have even thought of how he could manage the international community and whether there would be reversals of gains made by the Government.

For example, the GSP plus was granted due to persistent efforts by the Prime Minister and whether President could hold on to the commitments given by the Government. The Prime Minister commands the stature from the international community and has proven his capacity in statecraft and diplomacy when he persuaded the Government of China to change the ambit of Colombo Port City to Colombo International Financial City and renegotiating the terms of the freehold land.

#### Privatisation of Hambantota Port

There have been sustained media attacks against the Prime Minister but the UNP was solidly behind the Prime Minister and never uttered a word against the change of prime ministership as it was obvious that media campaign was to deliberately demonise the Prime Minister who spearheaded many good work during this three-year period to ensure that country progressed to a level on par with other Asian tiger economies.

The leasing of Hambantota Port is not at all a sell-out but in keeping with the trends in the world. The Port of Darwin in Australia was taken over by China on a 99-year lease. Are Australians so poor or are they burdened with debts like Sri Lanka? Not at all.

Australia is one of the richest countries in the world with rich mineral resources for exports for many centuries. Why should Australia grant a 99-year lease to a Chinese company to manage a deep sea port of Darwin? Australia wanted Chinese investments to develop the northern territory of Australia which has been lagging behind other states in Australia in terms of economic development through direct investments.

The Government Media and UNP

media had not lived up to its expectation and there must be a radical change to media and advocacy strategy to counter some of the adverse media reports. If the Australian parallel was marketed successfully people would begin to think that Hambantota was not being sold to Chinese but to attract a direct investment as in the case of Australia.

#### Judicial independence

Chief among the achievements of the National Government was to establish the independence of the Judiciary. Chief Justice Mohan Peiris was seen partaking milk rice at Carlton and it sent shivers through the Judiciary and ordinary citizens that one can never expect justice as long as the Head of Judiciary remains a Rajapaksa disciple.

The Judiciary is such a sacred place and each citizen must observe the respect the sanctity it deserves. The judges are meant to keep aloof from public engagements so that they could maintain independence and integrity.

Judicial bias according to Black's Law Dictionary 147 (5th ed. 1979) is 'inclination; bent; prepossession; a preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction. To incline to one side. Condition of mind, which sways judgment and renders a judge unable to exercise his functions impartially in particular case. As used in law regarding disqualification of judge, refers to mental attitude or disposition of the judge toward a party to the litigation, and not to any views that he may entertain regarding the subject matter involved.'

Former CJ Mohan Peiris did know this requirement but was it a veiled threat to the country that he should appear so, so that an ominous message could be got around to the country that would give an impression that any legal action against the ruling family would be an uphill task as CJ is the one who appoints the panel of judges to hear the cases and he is the one who dispenses justice to judges in terms of appointments, transfers and promotions through the Judicial Services Commission.

The change of the CJ was the first salvo fired by the President to bring sanity to the

country. This enabled the newly-formed Government to uphold judicial integrity which had even been called into question by the international community which demanded a war crimes tribunal with foreign judges.

#### Why a national government?

The main reason for creating a national government was to ensure that much-needed constitutional reforms to be attained with the bipartisan support from two major political parties of UNP and SLFP. Prime Minister Ranil Wickremesinghe did not press for a Parliamentary election on winning the 2015 presidential elections. Had it been done the SLFP would have gone to smithereens. He displayed statesmanship and political pragmatism and maturity having witnessed the brutal war for 30 years without a solution. The Prime Minister should be commended for having stuck to the principle that a solution to the ethnic problem must be found through consensus.

The President too was aware of the new reality that he was appointed to achieve lofty ideals of creating democratic space, zeroing on corruption and introducing a new constitution that would put an end to the ethnic conflict.

The 19th Amendment was introduced to reduce the presidential powers and power shifted to the Constitutional Council through Parliament. The entire Parliament was turned into a Constituent Assembly through the efforts of the Prime Minister and the President.

There is no time for bickering; the need of the hour is to establish political stability of the Government and steer the Government and look after the interests of the poor. Distribute fertiliser in a timely fashion and win the hearts and minds of farmers and ensure that fuel is kept in stock for at least six months. These are fundamentals of governance.

(The writer is a Political Commentator, Director/CEO of the Governors Consulting Group Ltd. and the former General Manager of the European Chamber of Commerce of Sri Lanka. He holds an LL.M in International Commercial Law and a Post Graduate Diploma in Diplomacy and World Affairs.)



By **SUMI MOONESINGHE**

AT the age of 17 I decided to enter what was hitherto a man's world, by entering the Faculty of Engineering, University of Colombo, at the behest of my math and physics teacher — Mignon Lokubalasooriya, at Devi Balika Vidyalaya, Colombo 8.

I was the only girl in a batch of 104, and obtained a Bachelor's Degree in Electrical Engineering. There were 500 boys in the whole faculty! I am eternally indebted to my teacher for guiding my destiny.

# There is no glass ceiling as such!

I then proceeded to the Faculty of Electronics, University of Southampton in the UK and obtained a Master's Degree in Electronics. And once again I was the only woman, in all the faculties of engineering such as aeronautical, chemical, petroleum, civil mechanical and electrical, etc.

I then proceeded to Singapore as an expatriate lecturer in the Singapore Polytechnic to teach Colour television. Once again the only woman lecturer in the entire Faculty of Engineering.

During this entire period of 12 years I never encountered any glass ceilings or sexual harassment, nor did I ever ask for any concessions as a woman.

I was very confident, and learnt to handle sticky situations tactically. Everyone considered me as one of them and took care of me when the necessity arose.

I remember very vividly, once when I was on the main Peradeniya Gampola road doing surveying practicals in the hot sun, not even wearing a hat, when late Prof. E.O.E. Perera the then Dean of the Faculty of Engineering passing by, stopped the car to find out how I was doing. I never felt I should ask for any concessions from him as a woman.

I returned to Sri Lanka in 1974, and joined the Maharaja organisation as a director of a subsidiary company. I had no idea about business I was only a professional engineer. It was my late husband who taught me business, and shared my responsibilities at home, to become a very successful businesswoman.

My two bosses Ms. Maharaja and Raja Mahendran gave me all the encouragement and support and gave me a free hand to run the company.

I was the Founder/Managing Director of New Zealand Milk Products (now Fonterra Brands), selling Anchor milk powder/butter, etc. imported from New Zealand.

When I was expecting my second daughter, my gynaecologist, famous Dr. Henry Nanayakkara, very bluntly told me, "If you want this child, you have to stay in bed lying down, not even sitting down, for nine months!" I then decided, I am not ill, so I can manage this company from my bed at home. A very bold decision as there were no laptops, android phones but only telex and fax machines.

My two bosses were so kind they allowed me this enormous concession. And the company performed extremely well. None of my stakeholders in the business knew I was operating from my bed at home, thanks to my extremely efficient secretary June Jayakody.

In view of this performance

they allowed me to work half a day, allowing me to be with my two daughters when they returned from school to help them with their studies. Both girls have excelled in their studies, not affected by a busy working mother!

Finally the company reached its pinnacle recording 70% market share, for Anchor and Ratthi milk powder brands, when it was sold to the New Zealand Dairy Board and I retired at the age of 51.

All I am trying to get across to these young women is that this so-called glass ceiling is imaginary, if only we women single-mindedly concentrate on achieving our vision and mission and work very hard to achieve the end goal.

Of course I was very lucky to have had a very caring husband (Susil Moonesinghe) and a younger sister who helped me to juggle between running a very large busi-

ness, managing my home, attending to my two daughters' studies, and supporting my husband in his political journey as well.

I learnt to do five things at the same time and earned a reputation as a poor listener with a very short span of concentration! And a tough woman! I was gifted with this ability to be able to handle many things simultaneously.

So I call upon all heads of corporates to please understand the juggling women are expected to do, and allow them flexi hours, give them a laptop and android phone, and extended maternity leave and to work from home.

Today with advanced technology, you can conduct your business from anywhere, you only need a lap top and an android phone.

I call upon all women to be bold, confident and learn to juggle, and make your bosses feel comfortable that you will achieve the objectives laid down by them, from home, and single-mindedly concentrate on achieving! Then you will never encounter a glass ceiling.

Good luck! Every day is an International Women's Day!